

## *Issue Brief*

# NO PLACE FOR KIDS

## The Case for Reducing Juvenile Incarceration

The Annie E. Casey Foundation

A new report, *No Place for Kids: The Case for Reducing Juvenile Incarceration*, published by the Annie E. Casey Foundation, assembles decades of research as well as persuasive new data to demonstrate that America's heavy reliance on juvenile incarceration has not paid off, and in fact, is a failed strategy for combating youth crime.

The latest official national count of youth in custody, conducted in 2007, found that roughly 60,500 U.S. youths were confined in correctional facilities or other residential programs each night on the order of a juvenile delinquency court. The largest share of committed youth—about 40 percent of the total, disproportionately youth of color—are held in locked long-term correctional facilities operated by state governments or private contractors hired by states.

There is compelling evidence that our nation's heavy reliance on youth incarceration:

- Does not reduce future offending by confined youth;
- Provides no overall benefit to public safety;
- Wastes taxpayer dollars; and
- Exposes youth to high levels of violence and abuse.

The report notes that a significant movement away from juvenile incarceration is already underway. Prompted by state budget crises and scandals over abuse in many institutions, more than 50 juvenile corrections facilities have been shut down since 2007 in 18 states. Although these closures signal positive action is being taken, sustainable system improvements will require the mobilization of a coordinated juvenile corrections reform movement.

### **YOUTH INCARCERATION DOES NOT REHABILITATE**

Dozens of recidivism studies from systems across the nation have found that these facilities fail to place youth on the path to success. Re-offending rates for youth released from juvenile correctional facilities are almost uniformly high.

- Within three years of release, around 75 percent of youth are rearrested and 45 to 72 percent are convicted of a new offense.
- In New York State, 89 percent of boys and 81 percent of girls released from state juvenile corrections institutions in the early 1990s were rearrested as adults by age 28.

Nationally, just 12 percent of the nearly 150,000 youth placed into residential programs by delinquency courts in 2007 had committed any of the four most serious violent crimes—aggravated assault, robbery, rape, or homicide. Yet, incarceration has been found to be especially ineffective for less-serious youth offenders.

- In a recent Ohio study, low- and moderate-risk youth placed into correctional facilities were five times more likely to be incarcerated for subsequent offenses than comparable youth placed in community supervision programs.
- In Florida, a 2007 study found that low-risk youth placed into residential facilities not only re-offended at a higher rate than similar youth who remained in the community, they also re-offended at higher rates than high-risk youth placed into correctional facilities.

Finally, research shows that incarceration reduces youths' future success in education and the labor market. One study found that correctional confinement at age 16 or earlier leads to a 26 percent lower chance of graduating high school by age 19. Other studies show that incarceration during adolescence results in substantial and long-lasting reductions in employment.

## **REDUCING INCARCERATION DOES NOT UNDERMINE PUBLIC SAFETY**

Between 1997 and 2007, the percent of U.S. youth confined in residential facilities declined 24 percent, while the percent incarcerated in long-term secure care correctional institutions plummeted 41 percent. Despite the reduced use of incarceration, juvenile crime rates fell across the board from 1997 to 2007, including a 27 percent drop in juvenile arrests for serious violent crimes.

Examining the data in more detail, the report finds no evidence that sharp reductions in juvenile incarceration cause any increase in juvenile crime or violence.

- States that decreased juvenile confinement rates most sharply (40 percent or more) saw a greater decline in juvenile violent crime arrest rates than states that increased their youth confinement rates or decreased them more modestly (less than 40 percent).
- In California, the population in state youth corrections facilities has declined 85 percent since 1996. Yet California's juvenile crime rates have declined substantially during this period of rapid de-incarceration. In 2009, California's juvenile arrest rate for violent crimes fell to its lowest level since 1970.

## **THESE FACILITIES WASTE TAXPAYER DOLLARS**

Nationwide, taxpayers spent about \$5 billion in 2008 to confine youthful offenders in juvenile institutions.

Most states spend the bulk of their juvenile justice budgets on correctional institutions and other residential

placements. According to the American Correctional Association, the average daily cost nationwide to incarcerate one juvenile offender in 2008 was \$241. This means that the cost of the average 9 to 12 month stay of one youth is \$66,000 to \$88,000. This heavy investment in correctional confinement makes little sense given the powerful evidence showing that non-residential programming options deliver equal or better results for a fraction of the cost.

- Florida's Redirection Program provides evidence-based, family-focused treatment as an alternative to residential placements for less-serious youth offenders. Redirection participants are significantly less likely than comparable youth placed in residential facilities to be arrested for a new crime, convicted of a new felony, or sentenced to an adult prison. From 2004 to 2008, the Redirection Program saved \$41.6 million through reduced program costs and lower spending to prosecute and punish subsequent crimes.
- The Washington State Institute for Public Policy has estimated that placing one young person in Multi-dimensional Treatment Foster Care, where troubled and delinquent youth live with specially trained foster families while their parents receive counseling and parent training, saves \$96,000 in reduced costs to victims and the criminal justice system.

## **THESE FACILITIES ARE OFTEN VIOLENT AND ABUSIVE ENVIRONMENTS**

In the past four decades, recurring violence, abuse, and maltreatment have been documented in the publicly funded youth corrections facilities in at least 39 states plus the District of Columbia and Puerto Rico. This disturbing trend is not improving. In 22 of those states (and the District of Columbia) maltreatment has been documented since 2000.

- In 2010, the first national study on sexual abuse in juvenile corrections found that 12 percent of confined youth—more than 3,000 young people—reported

being victimized sexually by staff or other youth in their facilities.

- A 2008 Associated Press story found that 13,000 claims of abuse had been reported from 2004 through 2007 in state-run juvenile facilities nationwide.
- In the first nationally representative survey of confined youth, published in April 2010, 42 percent said they were somewhat or very afraid of being physically attacked, 45 percent said that staff use force against youth when they don't need to, and 30 percent said that staff place youth in solitary confinement as a form of discipline.

## RECOMMENDATIONS

### 1. Limit Eligibility for Correctional Placements

*States should impose new restrictions that limit incarceration to youth who have committed serious offenses and pose a clear and demonstrable risk to public safety.* For instance, Texas enacted a new law in 2007 allowing state correctional commitments only for youth found guilty of felony crimes, and California now permits only youth who have committed violent felonies to be placed in state facilities. Other states have prohibited commitments for low-level offenses except for youth with serious histories of prior offending. Youth should be placed into correctional facilities based only on their crimes committed and risk of re-offense—not on their perceived needs for mental health or behavioral treatment.

### 2. Invest in Promising Non-Residential Alternatives

*States should redirect funds previously spent on incarceration to support a continuum of high-quality treatment and supervision programs.* States should give top priority to proven family intervention models, such as Multisystemic Therapy, Functional Family Therapy, and Multi-dimensional Treatment Foster Care, which currently serve only a small fraction of youth who might benefit nationwide. States should also expand access to career preparation and vocational training programs; intensive youth advocate and mentoring programs; and promising

models for specialized mental health and substance abuse treatment.

### 3. Change the Financial Incentives for Incarcerating Youth

*States should revamp funding mechanisms to increase the incentives for local courts to treat delinquent youth in their home communities whenever possible.* In too many jurisdictions, local juvenile justice officials face a perverse choice between offering youth cost-effective community-based programming (at the expense of local governments) or committing them to more expensive and less effective custody programs (often funded entirely by the states). California, Illinois, Ohio, Pennsylvania, Wisconsin, and Wayne County, Michigan, among others, have adopted funding formulas that increase the incentives for local supervision and treatment.

### 4. Adopt Best Practice Reforms for Managing Youthful Offenders

*States and localities should implement complementary policies and practices that have proven useful for safely reducing the number of youth confined in correctional facilities.* States and localities should limit lengths of stay in correctional facilities and other residential placements, given the research finding that longer periods of incarceration—especially stays over one year—do not reduce future offending, add to state youth corrections budgets, and harm youths' prospects for success in adult life. States should also embrace detention reforms that safely steer many youth away from pre-trial detention centers and reduce the odds they will be placed into correctional facilities. Finally, states should limit correctional placements based on probation rules violations, which account for one in every eight commitments to secure custody.

### 5. Replace Large Institutions With Small, Treatment-Oriented Facilities for the Dangerous Few

*States should place serious and chronic youth offenders into small, humane, and treatment-oriented facilities, such as those operated by Missouri's Division of Youth Services (DYS).* Missouri has divided the state into five regions

and built a continuum of programs in each. The secure-care facilities house just 30–36 young people. Youth are placed in small groups that participate in education, treatment, meals, and recreation. DYS staff engage the families to help devise successful reentry plans and assign a single case manager to oversee each youth from commitment through release and aftercare, providing extensive supervision and support in the critical reentry period. Through this approach, Missouri's re-offending rates are far lower than other states.

## **6. Use Data to Hold Youth Corrections Systems Accountable**

*States should collect more and better information about correctional programs and use the data to hold systems accountable.* States must carefully measure re-offense rates of youth released from juvenile correctional facilities, employing rigorous methodologies to track re-offending into early adulthood. States should also monitor youths' progress after release in education, employment, and mental and behavioral health. To minimize the risks of abuse, states should closely monitor conditions of confinement in juvenile facilities, and ensure that all facilities maintain grievance processes that allow confined youth to report maltreatment and obtain a fair hearing. Finally, given the continuing racial disparities at all levels of our nation's juvenile justice systems, every state and locality should be collecting and analyzing data to identify and correct practices that unfairly impact youth based on their race or ethnicity.

## **CONCLUSION**

The evidence presented in *No Place for Kids* makes clear that heavy reliance on juvenile incarceration is a counterproductive public policy for combating youth crime. It is time to act on this information by abandoning the long-standing incarceration model and embracing a more constructive, humane, and cost-effective approach to youth corrections.

The substantial decreases in reliance on youth prisons over the past decade are significant. However, these reductions have neither been anchored in a strong new national consensus among policy leaders, nor based on comprehensive changes to policy, practice, programming, and financing that will be critical to ensure sustainable, effective alternative responses to juvenile crime.

The Annie E. Casey Foundation hopes that this report can serve as a catalyst for building a new movement for enlightened juvenile corrections reform. If states adopt the recommendations and best practices highlighted in *No Place for Kids* and reallocate funds currently spent on incarceration to more constructive supervision and treatment strategies, there is every reason to believe that the end result will be less crime and more successful futures for America's young people.

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The Annie E. Casey Foundation is a private charitable organization dedicated to helping build better futures for disadvantaged children in the United States. For more than two decades, the Annie E. Casey Foundation has supported efforts to reform the juvenile justice system. Its Juvenile Detention Alternatives Initiative (JDAI), a system reform project aimed at reducing unnecessary and inappropriate reliance on local detention centers, is active in 35 states and the District of Columbia. **To read the report, *No Place for Kids*, and find more information, visit [www.aecf.org/noplaceforkids](http://www.aecf.org/noplaceforkids).**